$-\frac{\square}{\square}$ de maximis, inc.

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February 15, 2008

VIA ELECTRONIC & US MAIL

Ms. Alice Yeh
ATTN: Lower Passaic River Remedial Project Manager
Emergency and Remedial Response Division
U.S. EPA, Region 2
290 Broadway, 19th Floor
New York, New York 10007

Re: Monthly Progress Report No. 9 – January 2008

Lower Passaic River Study Area (LPRSA) Remedial Investigation/
Feasibility Study (RI/FS)

CERCLA Docket No. 02-2007-2009

Dear Ms. Yeh:

de maximis, inc. is submitting this Monthly Progress Report for the above-captioned project on the behalf of the RI/FS Agreement Settling Parties (Cooperative Parties Group or CPG) pursuant to the Administrative Settlement Agreement and Order on Consent (Settlement Agreement or AOC). The Progress Report satisfies the reporting requirements of Paragraph 42 of said Settlement Agreement.

(a) Actions which have been taken to comply with this Settlement Agreement during the previous month.

Meetings/Conference Calls

 On January 7, A. Yeh of EPA spoke with R. Law of CPG to discuss EPA's rejection of the proposed sediment transport and chemical fate and transport modeling teams. Ms. Yeh advised him that the CPG would be receiving written notification and that they should discuss how the CPG should respond;

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- On January 23, W. Potter spoke with R. Basso regarding the anticipated RI field work and how the CPG might benefit from the Focused Feasibility Study (FFS) field work performed by Malcolm Pirnie (MPI) earlier in the month.
- On January 23, R. Law also spoke with A. Yeh about the upcoming 2008 field program and agreed to set a date during the week of February 4 to provide the EPA with an overview of the proposed work. A date in late February was established as a period when a RI/FS scoping meeting with the Partner Agencies would be scheduled.

Correspondence

- On January 8, 2008, EPA sent CPG a letter indicating that they disapproved of CPG's proposed sediment transport and chemical and fate transport modeling team.
- On January 8, 2008, EPA sent CPG an e-mail informing them that the Contaminated Sediments Technical Advisory Group (CSTAG) will conduct a site visit on February 12-14, 2008.
- On January 11, 2008, CPG sent EPA a letter addressing EPA's December 4, 2007 e-mail: 1) rejecting substantial portions of the CPG's Sediment Grab Sampling Work Plan Addendum; and 2) EPA's comments on the CPG's November 6, 2007 response to the Agency's October 26, 2007 comments on the Sediment Grab Sampling Work Plan Addendum.
- On January 15, 2007, CPG submitted LPRSA RI/FS Progress Report #8 to EPA and Partner agencies.
- On January 22, 2008, EPA forwarded to CPG via e-mail a copy of a January 14, 2008 letter invitation to attend a February 13, 2008 meeting with the CSTAG.
- On January 23, 2008, EPA sent CPG an e-mail to schedule the time for a meeting to discuss future RI/FS sampling efforts.
- On January 23, 2008, CPG responded to the EPA's e-mail regarding scheduling a meeting to discuss future sampling efforts. This e-mail also provided an update on the Method Detection Level (MDL) study for High Resolution Gas Chromatography/Mass Spectrometry (HRGC/MS) method for pesticides. The meeting to discuss future sampling efforts was tentatively scheduled for February 5, 2008

Work

CPG has been working to develop a revised sediment sampling plan following EPA's December 4, 2007 comments on the Sediment Grab



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Sampling Work Plan Addendum. The revised work plan will focus on collection of low resolution sediment cores throughout the entire Study Area.

- CPG conducted work on 2007 bathymetry data. The majority of the evaluation work involved generating cross sections to aid in the development of a 2008 low resolution sediment coring program.
- The MDL study for HRGC/MS method for pesticides was completed during this reporting period.
- CPG is reviewing the draft Feasibility Study (FS) Work Plan internally and anticipates submission in the next reporting period.
- The CPG continued to develop a framework for conducting the Risk Assessments.
- The CPG conducted oversight of MPI coring for the FFS Empirical Mass Balance Model (EMBM) Quality Assurance Project Plan (QAPP) Addendum between January 16 and 29.

(b) Results of Sampling and Tests

No sampling was conducted during the reporting period

Results of the third MDL study of the HRGC/MS method for pesticides were provided by the laboratory on January 15, 2008. Overall, the calculated MDLs demonstrate that the method is sufficiently sensitive to meet the Project Quantitation Limit Goals contained in Worksheet 15 of the CPG's 2007 Sediment Grab Sampling QAPP.

(c) Work planned for the next two months with schedules relating to the overall project schedule for RI/FS completion

- As part of the development process for the revised sediment sampling plan, CPG has proposed to EPA a series of RI kickoff and planning meetings to be held in late February 2008. To support an initial 2008 field effort, CPG is developing a low resolution sediment coring plan for submission to the EPA in March 2008.
- CPG will continue work on plans for identifying potential reference and background sites for the Ecological Risk Assessment. Meetings will be scheduled in the near future.



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- CPG will continue work on plans for characterization of the fish community.
- CPG will summarize the results of the Initial Demonstration of Capability (IDC) that was conducted for the HRGC/MS method for pesticides and submit the summary to EPA with the results of the MDL study for this same method during the next reporting period.
- CPG will meet with EPA to review and discuss the draft Risk Assessment framework. The timeframe for this meeting is March 2008.
- CPG anticipates submitting a draft FS Work Plan during the next reporting period consistent with the conversation CPG had with EPA.
- CPG will be meeting the CSTAG to discuss its perspective on the status of the project as it relates to the 11 risk management principles for contaminated sediments.
- CPG is preparing a response to the EPA comments on the proposed CPG modeling team which were received on January 8, 2008. This response will be provided to EPA by February 8, 2008.

(d) <u>Problems encountered and anticipated problems, actual or anticipated delays, and solutions developed and implemented to address actual or anticipated problems or delays.</u>

CPG anticipated initiating a sediment sampling program in the Fall of 2007. EPA rejected this plan and a revised plan is now being prepared with the intention of initiating a field sampling plan in May. A revised sediment sampling plan for this purpose will be submitted as soon as possible for EPA review and comment.

CPG will provide comments to the EPA on February 8, 2008 regarding EPA's decision not to approve the proposed modeling team. Without approval of the modeling team, no modeling efforts are proceeding. This delay in start of modeling has implications for the overall project schedule, as modeling is a critical path activity for the project.

EPA and CPG agreed that a revised schedule should be delayed until such time as a plan to conduct RI/FS tasks in 2008 is discussed and agreed; therefore, CPG will develop a revised RI/FS project schedule following the RI/FS Scoping Meeting.

If you have any questions, please contact me or Rob Law at (908) 735-9315.

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Very truly yours,

de maximis, inc.

Willard F. Potter **Project Coordinator**

Sarah Flanagan, EPA Office of Regional Counsel cc:

William Hyatt, CPG Coordinating Counsel

Megan Grubb, USACE Lisa Baron, NJDOT Tim Kubiak, USFWS Reyhan Mehran, NOAA Janine MacGregor, NJDEP Kristine Carbonneau, ENSR

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